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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

BRIAN J. BOQUIST,

Case No. 6:19-cv-01163-MC

Plaintiff,

v.

**DECLARATION OF ELIZABETH A.  
JONES IN SUPPORT OF PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES**

OREGON STATE SENATE PRESIDENT  
PETER COURTNEY, in his individual and  
official capacity; SENATOR FLOYD  
PROZANSKI, in his individual and official  
capacity as Chairman of the Senate Special  
Committee on Conduct, SENATOR JAMES  
MANNING, in his individual and official  
capacity as member of the Special Senate  
Conduct Committee,

Defendants.

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I, Elizabeth A. Jones, hereby declare under the penalty of perjury that the following is true:

1. I am one of the attorneys representing Plaintiff Brian Boquist in this matter. This

Declaration is offered in support of Plaintiff's Motion for Attorney Fees.

2. Plaintiff brought this action under 42 U.S.C. § 1983 for declaratory and injunctive relief, and nominal damages, due to Defendants’ retaliation against Plaintiff for engaging in protected speech. Plaintiff claimed that Defendants’ implementation of the “12-hour rule” was a retaliatory act against Plaintiff, in violation of his First Amendment rights to free speech and association. Plaintiff prevailed on summary judgment.

### **Qualifications of Counsel**

3. I passed the February 2020 bar exam before graduating from Willamette University College of Law in May 2020. I have been admitted to the U.S. District Court of Oregon since June 2020. Since being admitted, I have litigated over thirty § 1983 actions. Additionally, I assisted with dozens of § 1983 actions as a law clerk. Specifically, I have experience litigating First Amendment cases in federal court.

4. I have been employed with the same law firm, under different ownership, since 2018. (Law Office of Gerald L. Warren; Montoya Hisel Law; Capitol Legal Services). I began as a law clerk in 2018 and was promoted to associate attorney in 2020. Our firm defends cities and counties throughout the State of Oregon, on behalf of CityCounty Insurance Services (CIS). The majority of our practice consists of litigating § 1983 actions in federal court, and tort actions in state court.

### **Reasonable Hourly Rate**

5. According to the Oregon State Bar Economic Survey (2022), the mean rate for attorneys representing plaintiffs in personal injury cases in the Upper Willamette Valley in 2021 was \$355/hour. Since 2021, my hourly rate has increased 11%. The 2021 mean rate, combined with an inflation-adjusted wage increase of 11%, is \$394/hour. This is a reasonable rate for my

services, considering I have extensive experience litigating § 1983 actions in federal court since 2018.

6. Attached to this declaration and marked “Exhibit 1” are true and accurate copies of relevant pages from the Oregon State Bar 2022 Economic Survey. A full copy of the Survey may be retrieved from [22EconomicSurvey.pdf \(osbar.org\)](https://osbar.org/22EconomicSurvey.pdf), as of July 28, 2023.

#### **Fees**

7. I represented Plaintiff on a contingency fee basis. This matter required me to work weekends and dedicate time which has naturally constricted my ability to take on additional cases which were likely to be paid on an hourly basis, rather than contingency. This case required me to work weekends and dedicate time which has naturally constricted my ability to take on additional cases which were likely to be paid on an hourly basis, rather than contingency.

8. Attached to this declaration and marked “Exhibit 2” is a true copy of my time records for this case. “N/A” indicates time not billed. I maintained these records contemporaneously with the work I performed. Co-counsel Vance Day and I exercised billing judgment to exclude excessive and redundant time. For example, we did not double-bill for 75% of the depositions. Further, we did not double-bill for an initial review of over 20,000 documents and emails produced to Plaintiff. Paralegal and Administrative Assistant time is not being billed in this matter, though it was incurred.

9. I billed 356.7 hours in this case, including the time spent preparing this declaration and supporting documents. The reasonable fee I am requesting is \$394/hour. As examined above, this is the mean rate for “Civil Litigation – Plaintiff Personal Injury” in the “Upper Willamette Valley.” The total amount requested for my attorney fees is \$140,539.80.

10. I have known Brian and Peggy Boquist for over ten years. I have worked alongside Senator Boquist in a number of collateral issues. We have a good relationship and work well together. Senator Boquist has been very engaged in this case and quite helpful with discovery and fact-development on summary judgment. Our relationship has allowed there to be a management of expectations, timing of events, and re-focusing the case, all lessening time and effort for the parties involved.

**I hereby declare under penalty of perjury that the foregoing is true and correct.**

Dated this 31<sup>st</sup> day of July, 2023.

s/ Elizabeth A. Jones  
Elizabeth A. Jones, OSB #201184  
Of Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF ELIZABETH A. JONES  
IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEY'S FEES on:

Tracy Ickes White  
Marc Abrams  
Oregon Department of Justice  
100 SW Market Street  
Portland, OR 97201  
Attorneys for Defendants

by the following indicated method or methods:



by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;

by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorneys' last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 31<sup>st</sup> day of July, 2023.

s/ Elizabeth A. Jones

Elizabeth A. Jones, OSB #201184  
Of Attorneys for Plaintiff